

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES A. GARDIN,

Plaintiffs,

v.

OFFICER MAHN,

Defendant.

Case No. C9-5116RJB/JRC

ORDER ADOPTING A REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

1. The Court adopts the Report and Recommendation.
2. This action is dismissed WITH PREJUDICE as the force used by the defendant was used to restore order and did not violate the cruel and unusual punishment clause of the Eighth Amendment.
3. The Clerk is directed to send a copy of this Order to plaintiff, and to the Hon. J. Richard Creatura.

DATED this 9th day of August, 2010.



ROBERT J. BRYAN  
United States District Judge